

Bedford Hills, New York
June 19, 2012

The second meeting for the month of June of the Town Board of the Town of Bedford was held on June 19, 2012 at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:00 P.M. by Supervisor Roberts.

Present: Lee V. A. Roberts : Supervisor
Peter Chryssos : Councilman
Francis T. Corcoran : Councilman
Chris Burdick : Councilman

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
Jeffrey Osterman : Town Planner
Steven Fraietta : Building Inspector
William Heidepriem : Supt. Recreation and Parks
Kevin Winn : Commissioner of Public Works
William Hayes : Chief of Police
Amy Pectol : Receiver of Taxes
Harry Girdlestone : Sole Assessor – arrived 9pm

Absent: David Gabrielson : Councilman
And seven (7) residents/observers.

PRESENTATIONS

B2020 Retrofit Recognition

Mark Thielking of B2020 introduced this portion of the meeting and described the awards. Mrs. Roberts, Mary Beth Kass of B2020, Mr. Thielking and Tom Bregman all offered comments and congratulations to the recipients of the award certificates.

APPROVAL OF CLAIMS

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED, that the following claims for 2012 be allowed for payment from their respective funds,

	2012
Paid Prior to Audit	\$ 102,485.78
General Fund	123,708.73
Highway Fund	158,057.22
Consolidated Water District	21,726.03
Cedar Downs Water District	210.01
Farms Water District	1,088.97
Old Post Road Water District	1,346.78
Drug Abuse	517.45
Energy	20,644.03
Special Districts:	
Bedford Village Memorial Park	10,174.32
Bedford Hills Memorial Park	9,451.61
Katonah Memorial Park	9,061.09
Capital Projects	<u>17,717.87</u>
	\$ 476,189.89

MONTHLY REPORTS

Mrs. Roberts advised that the monthly departmental reports were available for review in both the Supervisors and Town Clerk's offices during normal business hours.

DEPARTMENTS –

1. Discussion of Open Space and proposed referendum.

The Board discussed Open Space and the commitment it made to the public to have the Open Space question on the November ballot. They noted that the 3% tax levy had been reduced to 1% which came out of the budget and the remainder of the monies came out of the Town's fund balance. It was pointed out that if no action was taken the 3% would be in effect which had the potential to devastate the Town's budget due to the State mandated 2% tax cap and no mandate relief.

2. Request to advertise for bids for PVC liners and replacement skimmers for three wading pools.

On a motion by Mr. Chryssos, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval for the Recreation and Parks Department to advertise for bids for PVC liners and replacement skimmers for three (3) wading pools in the Town of Bedford parks as per the memorandum dated June 8, 2012 from William Heidepriem, Superintendent of Recreation and Parks.

3. Request to retain services of Aquatic Group for Bedford Hills pool and filtration system evaluation.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval for the Recreation and Parks Department to retain the services of the Aquatic Group to perform an evaluation on the pool and filtration system at the Bedford Hills Memorial Park at a cost of \$16,500.00 to be funded from the 2012 Capital Fund budget for the Bedford Hills Park District, as per the memorandum dated June 13, 2012 from William Heidepriem, Superintendent of Recreation and Parks.

4. Request to go out to bid for 425 Cherry St. roof repair.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval to advertise for bids for the roof repair at the Town House Annex building at 425 Cherry Street, Bedford Hills, as per the memorandum dated June 13, 2012 from Steven Fraietta, Building Inspector.

5. Request to extend paving bid contract.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval to extend the 2011 paving contract with ELQ Industries for a one (1) year period, said contract to expire May 31, 2013, using the May 2012 NYSDOT Average Posted Price for Asphalt, as per the memorandum dated June 12, 2012 from Kevin Winn, Commissioner of Public Works.

6. Change Order No. 3 for the Water Treatment Plant Construction Administration Contract.

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On a motion by Mr. Burdick, seconded by Mrs. Roberts, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby approve Change Order No. 3 for the Water Plant Construction Administration Contract with the Hahn Engineering/O'Brien and Gere Engineers Joint Venture in the amount of \$145,812 for required scope beyond the project duration included in the current contract, as per the memorandum dated June 13, 2012 from Kevin Winn, Commissioner of Public Works.

7. Request to issue an RFP to furnish and install multi-space parking meter system.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval for the Parking Bureau to issue an RFP to furnish and install multi-space parking meter systems at commuter lots in the Town of Bedford as per the memorandum dated June 13, 2012 from Edward J. Ritter, Town Comptroller.

8. Agreement with Student Assistance Services Corporation.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby authorize the Supervisor to sign the Student Assistance Services Corporation Agreement through the Westchester County Department of Health, with the Town of Bedford represented by the Bedford Drug Abuse Prevention Council, for the period January 1, 2012 to December 31, 2012, with the maximum amount payable to the Town of Bedford \$5,272.00, subject to the receipt of a signed mutual hold harmless agreement.

CORRESPONDENCE

1. Bedford Fire Department request to close part of the road in front of the Fire House for a block party Saturday, July 14th.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant permission for the closure of road in front of the Bedford Firehouse in order for the Fire Department to hold a Block Party fundraiser on Saturday, July 14, 2012 from 6:00 pm to 11:00 pm, which requires no assistance from the Police Department or Department of Public Works, subject to the receipt of a Certificate of Insurance naming the Town of Bedford as an additional insured.

2. Bedford Free Library request to have "Bedford Olympics" on the Village Green, Wednesday, August 1st.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval for the Bedford Free Library to hold a "Bedford Olympics" on the Village Green, Wednesday, August 1, 2012 from

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3:30pm to 4:30pm for children in grades 1-3 as per the letter dated June 12, 2012 from Ann Cloonan, Director, Bedford Free Library.

3. Notification of Golden Apple Bicycle Tour Sunday, September 2nd.

Mrs. Roberts reviewed the information submitted by Kate Marshall, Tour Director of the Golden Apple Bicycle Tour informing the Town that this tour would be passing through the Town of Bedford on Sunday, September 2nd, with a route submitted detailing the roads they would be traveling on.

4. Request to hold a block party on Richards Court, Friday, June 22nd.

On a motion by Mr. Burdick, seconded by Mrs. Roberts, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby grant approval for the closure of Richards Court for a Block Party on Friday, June 22, 2012 starting at 2:00 pm with barricades to be provided by the Highway Department, as per the communication dated June 15, 2012 from Vincent Minotti, 38 Nottingham Road.

5. Letter from Mayor Spano and Supervisor Feiner on revaluation.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby approve the participation in a fact finding, request for information from Mike Spano, Mayor of the City of Yonkers and Paul Feiner, Supervisor, Town of Greenburgh, concerning the effort to create fair and equitable assessments in Westchester County, as per the letter dated June 5, 2012.

PERSONNEL

1. Margaret Coe resignation from Blue Mountain Housing Development Corp.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby accept the resignation of Margaret Coe from the Blue Mountain Housing Development Corp./Bedford Town Housing Agency effective June 30, 2012.

2. Appointment of Amy Pectol to the Blue Mountain Housing Development.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby appoint Amy Pectol to the Blue Mountain Housing Development Corp/Bedford Town Housing Agency to fill the unexpired term of Margaret Coe, said term to expire February 1, 2013.

OLD BUSINESS

1. Adoption of final order for establishment of Refuse District.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

-----X	
In the Matter of the	FINAL ORDER
Establishment of the Town of Bedford	ESTABLISHING
Refuse and Garbage Improvement District No.1	REFUSE
Town of Bedford, in the County of Westchester, New York	AND GARBAGE
	IMPROVEMENT
	DISTRICT NO.1
-----X	

WHEREAS, pursuant to Section 209 of the Town Law of the State of New York (the “Town Law”), the Town Board of the Town of Bedford (the “Town Board” and the “Town”, respectively), in the County of Westchester, New York, has proposed the establishment of a Refuse and Garbage Improvement district, to be known as The Town of Bedford Refuse and Garbage Improvement District No. 1 (the “District”), for the prevention and reduction of waste matter consisting of carbon components of energy waste from residential properties within the Town and to aid in the performance of energy audits and the purchase and installation of energy efficiency improvements that reduce energy consumption on such residential properties, including but not limited to caulking, weatherstripping, air sealing, insulation, heating and cooling systems upgrades, solar thermal systems and conservation measures (“Energy Efficiency Improvements”); and

WHEREAS, establishment of the District is based upon a map, plan and report which the Town Board caused to be duly filed in the office of the Town Clerk on April 26, 2012; and

WHEREAS, subsequent to the filing of the map, plan and report in the office of the Town Clerk, the Town Board adopted an order dated May 1, 2012 (the “Order”) and entered same into its minutes which described: (i) the boundaries of the proposed District as being coterminous with the boundaries of the Town of Bedford, (ii) the proposed Energy Efficiency Improvements, (iii) the maximum amount to be expended by the Town for the Energy Efficiency Improvements which shall amount to zero (\$0) dollars; (iv) the proposed method of financing the Energy Efficiency Improvements through financings issued by the Energy Improvement Corporation (“EIC”), a local development corporation established by the Town of Bedford pursuant to Section 1411 of the Not-For-Profit Corporation Law of the State of New York, and (v) the cost of the District to typical properties within the District which shall amount to zero (\$0) dollars, provided that each property which accepts a financing issued by EIC to finance the Energy Efficiency Improvements shall bear the cost of debt service on such financing through charges levied on the real property, which monies shall be collected in the same manner as Town taxes; and provided notice to the public that the aforementioned map, plan and report were on file in the office of the Town Clerk for public inspection and that a public hearing on the District would be held on May 15, 2012 at 8:00 o’clock P.M. in the Court Room at the Town House at 321 Bedford Road in Bedford Hills; and

WHEREAS, the Town Board prepared a detailed explanation of how the estimated cost of the District to typical properties within the District was computed and filed same in the office of the Town Clerk for public inspection on May 10, 2012; and

WHEREAS, following the publication and posting of the Order and the filing of a certified copy of same with the State Comptroller in accordance with Article 12-A of the Town Law, and after a public hearing duly held by the Town Board at the time and place specified in the Order where all persons interested in the subject matter were given an opportunity to be heard, the Town Board, by resolution duly adopted on May 15, 2012 (the “Resolution”), determined that (i) the notice of hearing was published and posted as required by law, and is otherwise sufficient, (ii) all the property and property owners within the District are benefited thereby, (iii) all the property and property owners benefited are included within the limits of the District, and (iv) establishment of the District is in the public interest; and

WHEREAS, acting in its role as Lead Agency for the environmental review of the action as required by Article 8 of the New York State Environmental Conservation Law and the applicable regulations of the Department of Environmental Conservation (“DEC”), the Town Board further determined in the Resolution to issue a Negative Declaration and approve the establishment of the District with boundaries that are coterminous with the boundaries of the

Town of Bedford and wherein properties may elect to have energy audits performed and the Energy Efficiency Improvements purchased and installed thereon; and

WHEREAS, the Town Board further determined in the Resolution to authorize EIC to act on its behalf in carrying out the purposes of Section 209-i of the Town Law and Chapter 336 of the Laws of New York, 2009, including through the issuance of financing to property owners within the Town for the performance of energy audits and the purchase and installation of the Energy Efficiency Improvements, and to assign to EIC the monies collected from charges levied by the District on the properties which accept such financing from EIC to pay the cost of debt service for such financing; and

WHEREAS, within ten (10) days after the adoption of the Resolution, the Town Clerk posted and published notice which set forth the date of the adoption of the Resolution, contained an abstract of the Resolution stating its purpose and effect, and specified that the Resolution was adopted subject to a permissive referendum; and

WHEREAS, thirty (30) days passed following adoption of the Resolution without a petition being filed with the Town Clerk requesting that the matter be submitted to a referendum of the property owners of the District, and the Town Clerk thereafter filed a certificate, dated June 15, 2012, stating such fact in the office of the County Clerk.

NOW, THEREFORE, be it

ORDERED, that the establishment of the District is hereby approved, and the District shall be designated and known as the Town of Bedford Refuse and Garbage Improvement District No. 1, which is situated wholly outside of any incorporated village or city and has boundaries that are coterminous with the boundaries of the Town of Bedford; and be it

FURTHER ORDERED, that the properties within the District may elect to have energy audits performed and the Energy Efficiency Improvements installed thereon, which shall be financed through financings issued by EIC, and the cost of the District to typical properties within the District shall amount to zero (\$0) dollars, provided that each property which accepts a financing issued by EIC to finance the Energy Efficiency Improvements shall bear the cost of debt service on such financing through charges levied on the real property, which monies shall be collected in the same manner as Town taxes and assigned by the Town to EIC; and be it

FURTHER ORDERED, that within ten (10) days after adoption of this order, the Town Clerk shall cause a certified copy of this order to be duly recorded in the office of the County Clerk and cause same to be filed in the office of the State Department of Audit and Control at Albany, New York.

NEW BUSINESS

1. Proposed amendment to Chapter 17 of the Town Code with regard to residency requirements for Police Officers. Set Public Hearing.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby set a public hearing to consider a proposed amendment to Chapter 17 of the Code of the Town of Bedford with regard to residency requirements for Police Officers for Tuesday, July 3, 2012 at 7:25 pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

2. Green Fleets Program Agreement with New York Power Authority for electric vehicles.

On a motion by Mr. Burdick, seconded by Mrs. Roberts, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

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RESOLVED that the Town Board does hereby authorize the Supervisor to sign the Green Fleets Program Agreement with the New York Power Authority for two (2) Ford Focus electric vehicles, which shall co-fund the purchase of the vehicles, said funding to be capped at \$35,000.00 for the vehicles and the chargers.

3. Granicus proposal for webcasting.

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby accept the proposal from Granicus, Inc. for the “Open Platform and Government Suite” for the coverage of unlimited Town meetings, at a cost of \$690 per month, for an annual cost of \$8,280.00.

There being no further discussion the meeting was adjourned at 9:51 pm.

Lisbeth Fumagalli, Town Clerk